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April 16, 2010

Mr. Eugene S. Kahn
Chief Executive Officer
Claire's Stores, Inc.
2400 West Central Road
Hoffman Estates, IL 60192

Dear Mr. Kahn:

The Committee on Energy and Commerce and its Subcommittee on Oversight and Investigations are examining the safety of certain products intended for children. A recent news account revealed the presence of cadmium in various children's jewelry items sold by several retailers throughout the United States.¹ Cadmium is a known cancer-causing agent that can hinder brain development in children.² *The Associated Press* (AP) tested 103 items purchased in New York, Ohio, Texas, and California, and reported that 12 percent of the pieces of jewelry contained at least 10 percent cadmium.³ According to the news account, some of the jewelry containing cadmium was purchased at Claire's. For example, two charms on a "Best Friends" bracelet purchased at Claire's contained 89 and 91 percent cadmium.⁴

¹ AP: *Feds Probe Cadmium in Kids' Jewelry from China*, The Washington Post (Jan. 10, 2010).

² Centers for Disease Control and Prevention, *National Report on Human Exposure to Environmental Chemicals* (Dec. 15, 2009), at http://www.cdc.gov/exposurereport/Cadmium_FactSheet.html.

³ AP: *Feds Probe Cadmium in Kids' Jewelry from China*, The Washington Post (Jan. 10, 2010).

⁴ Id.

We understand that Claire's has discontinued selling the bracelet identified in the AP investigation. Recently, the Chairman of the U.S. Consumer Product Safety Commission, Inez Tenenbaum, issued a statement to the Asia-Pacific Economic Cooperation (APEC) Toy Safety Initiative Open Dialogue on Toy Safety in Hong Kong warning toy manufacturers and children's product manufacturers not to substitute cadmium, antimony, or barium in place of lead.⁵ We applaud these actions. However, we remain concerned that unscrupulous manufacturers may substitute other hazardous materials for lead in products intended for children.

To assist the Committee with its ongoing oversight, we request that Claire's officials brief Committee staff on the company's activities to identify, address, and prevent hazardous materials, such as heavy metals, from being used in children's jewelry and other products intended for children. In addition to the briefing, we ask that you provide a written response containing the following information:

1. All Claire's policies and procedures related to preventing the sale of products intended for children that contain hazardous materials;
2. A list of all manufacturing and distribution companies that supply Claire's with children's jewelry and products intended for children. Please identify which of these companies manufactured and distributed items containing cadmium, including the items that were identified in the AP's investigation (i.e., two charms on the "Best Friends" bracelet);
3. A written explanation of the steps Claire's takes to confirm that products intended for children are safe. This should include:
 - a. All Claire's policies and procedures related to ensuring that products intended for children do not contain hazardous materials.
 - b. All steps taken to ensure the safety of products intended for children at every stage of the supply chain, prior to Claire's receipt of the product, including steps taken by manufacturers, suppliers, and distributors.
4. All changes to Claire's policies and procedures since January 10, 2010, to ensure that products intended for children do not contain hazardous materials.

⁵ CPSC Chairman's Statement on Cadmium in Children's Products, U.S. Consumer Product Safety Commission (Jan. 11, 2010), at <http://www.cpsc.gov/trans/apec.html>.

Mr. Eugene S. Kahn
April 16, 2010
Page 3

Please contact Committee staff by April 23, 2010, to schedule the requested briefing, and please produce the requested written response by April 30, 2010. If you have any questions regarding this letter, please contact David Leviss or Julia Elam with the Committee staff at (202) 226-2424.

Sincerely,



Henry A. Waxman
Chairman



Bart Stupak
Chairman
Subcommittee on Oversight and Investigations

Attachment

cc: The Honorable Joe Barton
Ranking Member

cc: The Honorable Ed Whitfield
Ranking Member
Subcommittee on Oversight and Investigations